

**ASSEMBLY BILL**

**No. 1054**

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**Introduced by Assembly Member Mullin  
(Coauthors: Assembly Members Hancock and Ruskin)**

February 23, 2007

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An act to amend Section 27491.45 of the Government Code, relating to autopsy investigations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1054, as introduced, Mullin. Local government: coroner: autopsy investigations.

Existing law provides for the establishment and duties of certain county officers, including coroners. Existing law provides that a coroner shall have the right to retain parts of a body removed at the time of autopsy or acquired during the coroner's investigation as may, in the opinion of the coroner, be necessary or advisable for scientific investigation, as specified. Existing law further provides that these body parts may be submitted by the coroner to certain entities for training, educational, or research purposes under specified circumstances.

This bill would require a coroner, under certain circumstances, to inform specified individuals in a timely manner, as provided, that the coroner may retain parts of the body, as specified, and to offer to return any and all retained body parts when the retention is no longer necessary. The bill would not require a coroner to provide this information if, in the opinion of the coroner, providing notification or an offer to return parts of a body would compromise the integrity of an ongoing criminal investigation.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 27491.45 of the Government Code is amended to read:

27491.45. (a) (1) The coroner shall have the right to retain parts of the body, as defined in subdivision (g) of Section 7150.1 of the Health and Safety Code, removed at the time of autopsy or acquired during a coroner's investigation as may, in the opinion of the coroner, be necessary or advisable for scientific investigation and training. The coroner may employ or use outside laboratories, hospitals, or research institutions in the conduct of the coroner's scientific investigation or training.

(2) Parts of the body retained pursuant to paragraph (1) may be released by the coroner to hospitals, medical educational research institutions, and law enforcement agencies for noncoroner training, educational, and research purposes, either upon consent of the decedent or other person, as specified in Section 7151 of the Health and Safety Code, or after a reasonable effort has been made to locate and inform persons listed in subdivision (a) of Section 7151 of the Health and Safety Code of their option to consent or object to the release, and the appropriate person consents or that effort has been unsuccessful. A reasonable effort shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code.

(b) The coroner may, in his or her discretion, allow removal of parts of the body by a licensed physician and surgeon or trained transplant technician for transplant, or therapeutic, or scientific purposes pursuant to Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code, only if the following conditions are met:

(1) The provision of the part will not unnecessarily mutilate the body or interfere with the autopsy.

(2) The decedent or other person, as specified in Section 7151 of the Health and Safety Code, has consented to the provision of

the part, as prescribed by Section 7154 of the Health and Safety Code, or after a reasonable effort has been made to locate and inform persons listed in subdivision (a) of Section 7151 of the Health and Safety Code of their option to consent or object to the release, and the appropriate person consents, or that effort has been unsuccessful. A reasonable effort shall be deemed to have been made when a search for the persons has been underway for at least 12 hours. The search shall include a check of local police missing persons records, examination of personal effects, and the questioning of any persons visiting the decedent before his or her death or in the hospital, accompanying the decedent's body, or reporting the death, in order to obtain information that might lead to the location of any persons listed in subdivision (a) of Section 7151 of the Health and Safety Code. In obtaining this gift, the coroner shall notify the donor of the specific part or parts requested and shall obtain the donor's informed consent, as provided in Section 7150.5 or 7151 of the Health and Safety Code.

(c) Nothing in this section shall be construed as limiting any right provided for in Section 7152 of the Health and Safety Code.

(d) For purposes of this section, "trained transplant technician" means a person who has completed training in tissue removal for transplant or therapeutic, or scientific purposes, which the coroner determines to be adequate for the purposes.

(e) (1) *If the coroner is aware of any individual described in subdivision (a) of Section 7151 of the Health and Safety Code, he or she shall inform that individual, in accordance with paragraph (2), that parts of the decedent's body may be retained prior to the release of remains for internment or other disposition.*

(2) (A) *To aid in the facilitation of planning the decedent's final arrangements, the coroner shall provide the information required under paragraph (1) in a timely manner.*

(B) *If body parts are retained pursuant to this section, and the coroner reasonably anticipates that this retention may continue beyond the scheduled date of release of remains, the coroner shall inform the person or persons previously notified pursuant to paragraph (1) of this fact.*

(C) *When, in the opinion of the coroner, further retention is no longer necessary, the coroner shall offer to return any and all retained body parts in compliance with applicable law.*

1     (3) *Paragraphs (1) and (2) shall not apply if, in the opinion of*  
2     *the coroner, providing notification or an offer to return parts of*  
3     *a body would compromise the integrity of an ongoing criminal*  
4     *investigation.*

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